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Remarks/Arguments

Applicant respectfully requests favorable reconsideration of the subject patent application, particularly in view of the above amendment and the following remarks. There is no additional fee for the above amendment as the number of independent claims and the total number of claims are within the numbers covered by the basic filing fee.

Claims 1-16 are pending in the subject application, of which Claims 1-9 have been rejected and Claims 10-16 have been withdrawn from consideration as a result of a restriction/election requirement. Applicant has amended the claims to indicate the withdrawal of Claims 10-16.

Claims 1-9 have been rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-3 and 11 of U.S. Patent 6,887,692 in view of U.S. Patent 5,821,111 and U.S. Patent 4,052,173. The Examiner has indicated that a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome this rejection provided the conflicting patent is shown to be commonly owned with the subject application.

In response to this rejection, Applicant is submitting herewith a Terminal Disclaimer, in duplicate, indicating common ownership of the conflicting patent, U.S. Patent 6,887,692, and the subject application and disclaiming the terminal

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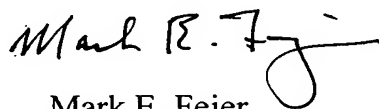
part of any patent granted on the subject application which would extend beyond the expiration of U.S. Patent 6,887,692. Accordingly, Applicant respectfully urges that the submission of the Terminal Disclaimer overcomes the rejection of Claims 1-9 set forth herein above.

Conclusion

Applicant intends to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicant has not addressed in this response, Applicant urges the Examiner to contact the undersigned.

Applicant sincerely believes that this patent application is now in condition for allowance and, thus, respectfully requests early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark E. Fejer", with a stylized flourish at the end.

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